IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 16682 of 2004

Between:

1 M.Srinivasulu @ Seenappa, S/o Munivenkatappa,
R/o.Sangapalli Village and Post, Gudupalli Mandal,
Chittoor District.
2 M.Balamma, W/o Srinivasulu @ Seenappa,
R/o Sangapalli Village and Post, Gudupalli Mandal,
Chittoor District.

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PETITIONERS

AND

1 The Station House Officer, rep.by its Sub-Inspector of Police,
Gudupalli Police Station, Gudupalli Mandal, Chittoor District.
2 The Circle Inspector of Police, Kuppam, Chittoor District.
3 The Superintendent of Police, Chittoor, Chittoor District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of "Habeas Corpus" directing the respondent Nos.1 to 3 to produce before this Court the missing daughter of the petitioners' Smt.Ganga, W/o K.Ramachandrappa, aged about 28 years, Sanganapalli, Gudupalli Mandal, Chittoor District and set her liberty forthwith and consequently to direct the respondents to take action against the accused by registering a crime against them in accordance with law.

Counsel for the Petitioners : Mr.S.S.BHATT

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The petitioners are the parents of Ganga, their second married daughter, who is having a daughter aged eleven years studying VI Class. It is alleged that differences arose between Ganga and her husband K.Ramachandrappa, who married her about twelve years ago. K.Ramachandrappa is the brother of second petitioner. Ever since the differences arose, Ganga was staying with the petitioners at their house, and she developed intimacy with one P.Chinna Babu, who was un-married till 29-8-2004. The parents of Chinna Babu had fixed his marriage with the girl of their own community, but Ganga insisted Chinna Babu to marry her. The petitioners, thus allege that since their daughter did not agree for the marriage of Chinna Babu with some other girl, the parents of Chinna Babu along with some others kidnapped her on 29-8-2004, and her whereabouts are not known. It is alleged that on 2-9-2004, a complaint was lodged with the police and copies of the complaint were also sent to higher authorities. The petitioners fear that their daughter must have been killed or taken away to some unknown place. Chinna Babu is rich and influential and his mother is Village Sarpanch, and no action is taken by the police to trace their daughter, and therefore, they sought a direction for production of their daughter.

Needless to add that the petitioners have not impleaded Chinna Babu or his parents as parties to the writ petition.

On receipt of notice, K.Sampath Kumar, Sub-Inspector of Police, Gudupalli Police Station has filed affidavit in reply stating that on 5-9-

2004, second petitioner filed a complaint on the basis of which Crime No.128 of 2004 was registered for the offence under Section 365 read with Section 34 IPC. The statements of the petitioners and K.Ramachandrappa, severed husband of the alleged detenu and others were recorded. Investigation revealed that the alleged detenu had illegal contacts with P.Chinna Babu, who has since married recently his sister's daughter, and differences arose between him and the alleged detenu about three months back. The alleged detenu and the accused are not traceable in spite of the efforts made by the police.

It is further stated that as part of investigation, on 9-9-2004, the Sub-Inspector of Police along with Police Constables visited Robertsonpet, Andersonpet, Oorigam, Marrikuppam and surrounding villages of Karnataka State, but the accused and the alleged detenu were not traceable. Again on 12-9-2004 they visited Natrampalli, Maharajakaddai, Barugur, Krishnagiri, Tirupathur and surrounding villages of Tamil Nadu, but the accused and the alleged detenu were not traceable. It is further stated that efforts are still on to trace the daughter of the petitioners.

In the circumstances as detailed by the Sub-Inspector of Police, no further directions need to be issued except directing the respondents to continue with the investigation in accordance with law and all efforts will be made to trace the daughter of the petitioners and investigation will be carried out from whatever clues which come to the knowledge of the investigating officer and the respondents make available to him, and on conclusion of the investigation, appropriate report will be filed in the competent Court.

The writ petition is accordingly dismissed.

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DEVINDER GUPTA, C.J.

23rd September 2004.

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C.V.RAMULU, J.

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To

1 The Station House Officer,
Gudupalli Police Station, Gudupalli Mandal, Chittoor District
2 The Circle Inspector of Police, Kuppam, Chittoor District
3 The Superintendent of Police, Chittoor, Chittoor District
4 Two CCs to the Advocate General, High Court Buildings,
Hyderabad (OUT).
5 Two CD copies.